



# EPA Region 10

## CAA 112(r) Update

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Latest News on the Accidental Release Prevention Requirements of the Clean Air Act

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**EPA Region 10 CAA  
112(r) Update  
EPA Region 10, Seattle**

*The Update covers the latest  
issues related to  
the Accidental Release  
Prevention Requirements of the  
Clean Air Act.*

*To be added to the mailing  
list, send a message to  
mcarthur.lisa@epa.gov  
or call Lisa McArthur at  
(206) 553-0383*

**Rolling out an RMP?  
Having community meetings?  
Holding a press conference?**

Send your announcement to  
mcarthur.lisa@epa.gov or  
fax to (206) 553-0175.

### Risk Management Plans Becoming Available On-Line

Risk Management Plans are becoming available on-line, although posting will not be completed for 1-2 months. Those that have been posted are being displayed using a public access program called RMP\*Info, and can be viewed on-line at EPA's Envirofacts Website, at [www.epa.gov/enviro](http://www.epa.gov/enviro)

RMP\*Info is the public access system for Risk Management Plans submitted under Section 112(r) of the Clean Air Act (CAA). The reporting deadline for these plans was June 21, 1999. The RMP Reporting Center currently is processing thousands of RMPs that were received.

RMP\*Info will not contain information about offsite consequences related to worst case and alternate release scenarios (Sections 2-5). The federal government is currently working to determine a process for making this information available. As soon as a process is developed, information about that process will be posted on the CEPPO website at [www.epa.gov/ceppo](http://www.epa.gov/ceppo).

RMP\*Info currently contains about 7,000 RMPs. As new RMPs are processed, they will be added to RMP\*Info. Therefore, RMP\*Info will increase in size almost daily until the initial processing is complete. EPA expects it will take 1-2 months to process all RMPs that have been received at the Reporting Center.

RMPs that reported propane and/or a flammable hydrocarbon are NOT in RMP\*Info at this time. Following the court-ordered stay on propane and EPA's administrative stay on RMP listed

flammable hydrocarbons, facilities who submitted such RMPs were given until June 21 to request a withdrawal of their RMP. Therefore, EPA is waiting until all the mail postmarked June 21 is processed before we add the remaining RMPs reporting on propane and/or flammable hydrocarbon to the database.

### House and Senate pass bills to exempt flammable hydrocarbons and prevent FOIA access to OCA data

The Senate passed a bill on June 23 that would exempt flammable fuels such as propane from the Risk Management program. The Senate bill would also exempt the offsite consequence analysis information (the worst-case and alternative-case scenarios) from the Freedom of Information Act, but does provide for the distribution of information to state and local emergency management organizations. It would allow the public to access the information in paper form only, and would not allow them to make copies. It would also impose criminal penalties on federal, state or local government employees who knowingly released the information.

The House has passed two separate bills; one would exclude propane from the rule, and the other would limit public access to offsite consequence analysis information, and would again impose penalties for the release of that information. The House and Senate bills have not to date been reconciled.

# LEPC Guide to 112r Now Available

The LEPC Guide to the Risk Management Program, [RMPs Are On The Way!](#) is finally here, and is posted on-line at [www.epa.gov/ceppo/sta-loc.htm](http://www.epa.gov/ceppo/sta-loc.htm).

[RMPs Are On The Way!](#) is a guidance document that was developed for LEPCs and other state and local agencies that explains how to use information in the Risk Management Plans. It goes into detail about the regulation itself and the chemicals and facilities covered. This guidance covers what type of information is contained in the RMP, such as executive summary, OCA and five-year accident history. There are sidebars contained in the document called tips and hints that the reader can reference easily. They include: ways to enhance your role in the hazardous chemical community, ideas on different way you could compare similar facilities into gather information on prevention programs.

This document sets the stage for LEPCs to take an active role in coordinating chemical safety in their communities. There are ideas on how to revitalize the LEPC committee, ways to enhance LEPC-Industry Relations and encourage compliance, ways to work more effectively with small business, and suggestions on building new relationships with new partners. The section on Risk Communication stresses the importance of establishing and maintaining a dialogue with the public about the chemical hazards in communities and steps that have been taken to reduce risk, the seven “rules” of risk communication are also included.

In addition to being available on-line, EPA headquarters will be mailing a copy to all SERCs and LEPCs in the country.

## Questions & Answers on the New RMPs

Risk Management Plan (RMP) data provides an additional tool in the strategic toolbox of facility environmental information to use in protecting human health and the

environment.

The addition of RMPs adds new data to broaden the information available for environmental assessments and decision making. This would include new information to perform, by hand, crude environmental rankings of facilities in a community, to allocate resources, and to identify potential environmental problems.

### **Q: What type of new information is available from RMPs?**

A: The RMPs contain information on: the amount of chemicals (by process) on site; the “program level” designation (indicator of potential hazard); a five-year accident history by chemical by site; a summary of prevention programs; and information regarding existing emergency response plans.

### **Q: What other environmental information is publically available?**

A: Facility-level information on TRI releases, waste-generation, and other permitted releases are available through Envirofacts. Other readily accessible information includes: regulatory requirements; population/demographic data; toxicity and health information; and mapping capabilities.

### **Q: How does the RMP information complement the information already publically available?**

A: Combining the RMP with other available information gives the ability to put together better environmental assessments of potential vulnerability in a community. For example, one can perform rankings of hazards by chemical location, and/or industrial category; develop, by hand, crude rankings to identify facilities of greatest concern in an individual community; or develop “crude” health, exposure, and EJ assessments by linking RMP with demographic/toxic information.

### **Q: What type of questions should state/local officials anticipate?**

A: Some questions that state and local officials may be asked include:

- ▶ What does it mean to my community to have large chemical storage facilities?
- ▶ What were the effects of prior accidents in this community?
- ▶ What improvements have been made since the accident?
- ▶ Why are these facilities so close to schools, parks, malls, etc.?
- ▶ Why aren't the number of facilities or number of chemicals the same as in TRI or Title III databases (overlap of chemicals and facilities is not the same)?
- ▶ How do these amounts of chemicals, the risks, and the prevention plans compare with other communities?

### **Q: How has EPA addressed public access policy issues related to RMP data?**

A: EPA has taken the following RMP public access policy actions:

**Notification** - States (as well as local government, other federal agencies, industry, and environmental groups) have been involved with defining requirements for these systems from the enactment of the Clean Air Act Amendments in 1990. States have been represented on the Electronic Submission Work Group and are now represented on the Implementation Work Group, both of which were created to help mold the RMP program. In addition, EPA continues to post all information on the CEPPPO website, has made multiple presentations to ECOS, NGA and numerous other state organizations over the past 3 years, and encourages all to join the RMP listserve that provides monthly updates on the RMP program development effort.

**Respectful Use** - Every data element in RMP\*Info has a metadata record associated with it which can be accessed by clicking on “data elements” at the top of any page. RMP\*Info does not provide any analysis of the data, only limited queries.

**Error Correction** - Submitters can check their data using the same completeness check that will be used when their RMP is received at the RMP Reporting Center, and submitters receive notification when their RMP is processed regarding whether it was complete or incomplete, or what the errors might have been

**Promote Understanding of the Purpose and Context** - RMP\*Info includes overview pages that describe the context in which the data are collected as well as how they might be used.

**Data Security** - CBI is handled separately and with the security necessary to ensure it is not inadvertently or purposely released - from the moment the envelopes are opened at the RMP Reporting Center. The Offsite Consequence Analysis (OCA) data, although it currently has no standing as FOIA exempt, will not be released from the Reporting Center until further notice. The OCA data will not be in RMP\*Info. The OCA data will be available to state and local governments under a separate, secure distribution system. The requirements for that system will depend on legislation being debated in Congress right now - legislation which does not affect the data in RMP\*Info.

**Potential National Security Risk with Offsite Consequence Analysis (OCA)**

**Data** - EPA and other federal agencies have attempted to strike an appropriate balance between the public's right to know about the chemical risks in their community and national security by choosing to post RMP\*Info on the Internet without the OCA data, and yet to seek an alternative which will still allow state and local government access to the OCA data as well as controlled public access to that data (Legislation is pending on this matter).

**RMP\*INFO AND ENVIROFACTS**  
**Q: What queries are available from RMP\*Info?**

A: The RMPs can be queried via a very limited set of data elements including geography (County, State, ZIP Code, LEPC), facility or parent company name, chemical, NAICS Code, number of employees, date of receipt of the RMP, whether the RMP is current or historical, and whether it is complete or not.

**Q: Envirofacts has a feature called "Open Access," which provides the ability to bypass the normal Envirofacts query screens, and to access the various databases directly, using Structured Query Language (SQL). Will RMP data be part of this "Open Access?"**

A: No, RMP data will not be part of the "Open Access" capability of Envirofacts.

This was specifically addressed in the development of RMP\*Info and in the planning for RMP integration with Envirofacts. We implemented this requirement even before it was decided that the OCA data would not be in RMP\*Info.

**Q: Does RMP\*Info contain all the RMP information submitted by facilities?**

A: By statute, the RMPs were to be provided to the federal, state and local government and made accessible to the public. By regulation, developed in consultation with state and local governments, industry and environmental organizations, it was determined that the RMP would be submitted to a single location: EPA. RMP\*Info will contain all federally-required RMP information submitted by the reporting community (except that it will not contain the OCA data and it will not contain the CBI data). However, some states (such as California and New Jersey) require their facilities to submit additional information, over and above what is required by EPA. Facilities in those states submit the federal portion of the RMP to EPA, and both the federal and state-specific portions to the state. RMP\*Info will not contain the additional state-specific information.

**Q: Could a terrorist use RMP\*Info to target facilities?**

A: RMP\*Info has been set up in such a way as to make this kind of use very impractical. RMPs can NOT be queried on such data elements as chemical quantity or any offsite consequences. The OCA data, which includes the estimated population affected and the distance to the endpoint of a potential cloud in a hypothetical worst-case scenario or alternative scenario, is NOT in RMP\*Info database. The resulting RMP listing is not and can not be sorted based on any substantive RMP data. RMPs are viewed one at a time, in sections, and the download report is a single RMP in a printable text format, NOT a format that could be easily input into a database.

**STATE AND REGIONAL ACCESS**

**Q: How and when will states and EPA Regions get RMP data?**

A: Regions, states and local governments will initially use RMP\*Info to view the

RMPs (without OCA data). Because RMP\*Info has strict limits on the kinds of queries and on the type of output that the public can obtain, we are developing a PC-based system called RMP\*Review for states and regions. RMP\*Review will contain all RMP data, including the OCA sections, and will provide robust query and analysis tools, as well as export tools for those states that want to bring the data into their own database systems. Regions, states and locals alike will be able to access the information through a password protected system. They will download the data for their states and additional states (if requested) using specially-prepared download files accessible through a secure "closed" system on the EPA Intranet. Legislation may address variations in this approach. RMP\*Review will be beta-tested in early August with real RMP data, including the OCA data.

**Q: If a facility sends their RMP to both EPA and the State, will the State put that data into their own database system?**

A: Those States that require facilities to submit their RMP to both EPA and the State, may have developed their own database systems to store the RMP data. Other States may be sent copies of RMP submissions, directly from the facility, but they are unlikely to have developed a database to house the data because it would require specific programming and systems development to accommodate the unique RMP electronic format. RMP data sent to the states is not sent to EPA.

**SECURITY**

**Q: Has anyone outside the Agency tested our Internet and Intranet security?**

A: The National Security Agency (NSA) has done an assessment of EPA's Internet and Intranet Security. As of June 23<sup>rd</sup>, they have provided EPA RTP staff with an oral summary of that assessment, but the complete written evaluation has not yet been delivered to EPA. The summary did not provide sufficient detail to act upon. The plan is to have NSA also do some external penetration testing in the future, although this has not yet been scheduled.

**Q: What are we doing to protect RMP CBI from intentional or inadvertent release?**

A: We have communicated to submitters not to include the actual confidential business information in the electronic version of the RMP by a) putting this information in bright pink in several places on our CEPPPO web site, b) including this in the CBI instructions in the RMP Submit user manual, c) including a reminder in RMP\*Submit when the CBI option is chosen, and d) including a brightly colored CBI warning with each RMP\*Submit publication. Submitters are instructed to follow specific procedures which include submitting the CBI only in paper, along with paper substantiation and a sanitized version of the RMP. Only the sanitized version of the RMP is included in the RMP databases (both the public access one which does not contain OCA data, and the state and local one which will include OCA data). CBI documents are separated from the rest of the RMP immediately upon opening the envelope containing the RMP, and is securely stored in a separate file room at the RMP Reporting Center. Only those with special RMP CBI security clearance may enter that room, and there are additional precautions for CBI leaving that room to go to authorized individuals at federal and state agencies.

**RESPECTFUL USE**

**Q: Is EPA doing any analysis of the RMP data?**

A: The data is posted as it is received from the submitter. Some additional data elements are added, such as postmark date, date received, date processed, and a completeness flag (which indicates whether the RMP passed the validation). Later on, after the initial RMPs are processed, we do plan to do analyses of the aggregate data.

**DATA QUALITY AND NOTIFICATION**

**Q: Is the RMP data up-to-date?**

A: After the initial heap of RMPs is processed, we expect that new and updated RMPs will be processed and posted to RMP\*Info within a few days of receipt. RMPs at the least are required to

be updated every 5 years. Therefore, a user can refer to the receipt date of the RMP to determine how old the plan is.

**Q: How are you ensuring data quality and how are the originators of the data notified?**

A: The originators of the data are the facilities who submit their RMPs directly to EPA on diskettes or on paper. This was done to reduce the burden on industry - by only requiring them to submit to one location.

To submit **on diskette**, users can either use RMP\*Submit which was developed by EPA and includes the same data completeness check that the RMP Reporting Center uses to indicate whether an RMP is complete or incomplete; or they can use commercially developed software, which may or may not have accurate completeness checks. If they use commercially developed software, they can import the RMP created in that software into RMP\*Submit and run it through the RMP\*Submit completeness check. Thus, submitters have the ability to know, before even sending EPA their diskette, whether their RMP will be considered complete or incomplete (or even unprocessable).

When a diskette is received it is checked for viruses, and run through the official completeness check. Both complete and incomplete RMPs are loaded into RMP database - and they are flagged accordingly. If the RMP is incomplete, its error report is provided in the database along with the RMP.

**Paper submittals** are entered twice into an RMP\*Submit-like system manually by 2 different people and the results are compared to resolve any differences in how the 2 data entry operators entered the data from the paper form. Once the differences are resolved, (through a more thorough examination of the form by a QA staff person, with possible calls to the submitter for clarification, the paper RMP that has gone through data entry is processed just like a diskette submission.

**All submitters** receive a notification letter indicating whether their RMP was complete, incomplete or unprocessable, as well as an error report if it was incomplete or unprocessable, and a copy of the RMP if it was submitted in paper.

The Reporting Center does not change any data that was submitted in the RMP. Submitters who receive an incomplete (or even a complete) notification may submit a correction at any time along with a certification as to the accuracy of the corrections. Submitters who receive a notice that their RMP could not be processed are encouraged to resubmit as soon as possible. In addition, any letters we receive from facilities that are not RMPs but are directly related (e.g., a facility claiming that they have reviewed the legislation and have determined they are not covered by the regulation) are forwarded to the implementing agency - the state (or regional office) that has taken delegation of the RMP program.